

# Tucson City Court Performance

## Third Quarter, Fiscal Year 2005

### Executive Summary

Revenue continues to increase despite declining caseload in all but two areas: parking and civil ordinance cases. The Court continues to meet the case processing times of Rule 8.2, Time Limits, of the Arizona Rules of Criminal Procedure. Tucson City Court continues to improve operations and service to the public through a number of initiatives.

#### **Process Improvement:**

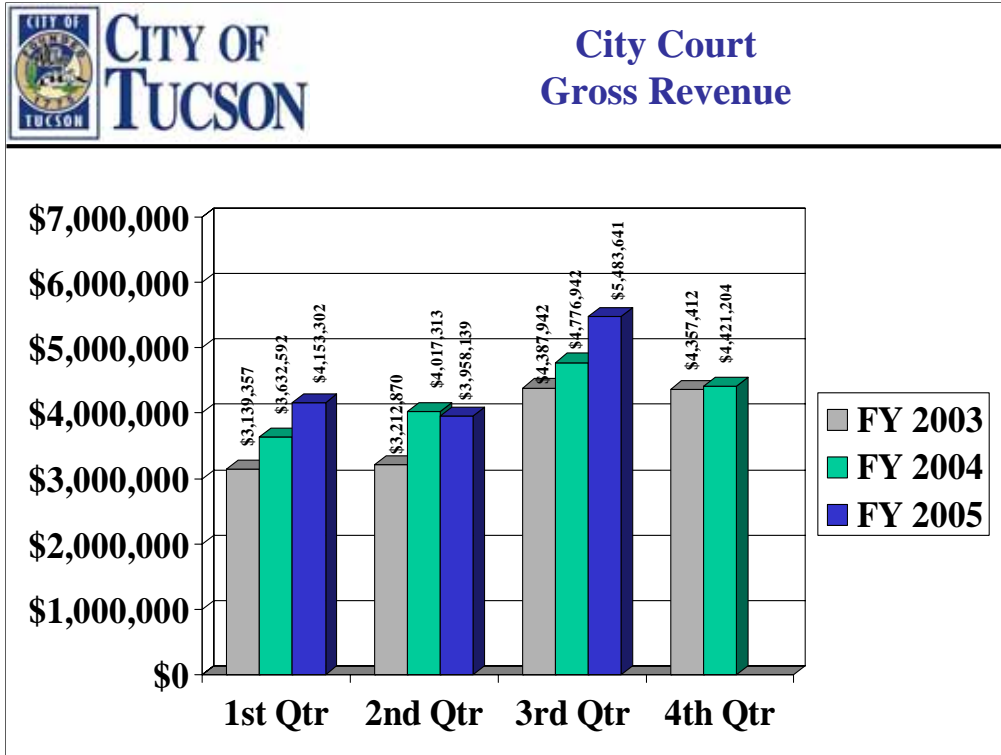
The below listed projects are currently under development or refinement and are expected to be implemented in the fourth quarter fiscal year 2005 or early in fiscal year 2006.

- **Automated Citation Entry (E-Ticket)** - contract for this initiative has been awarded and project is in the equipment fielding and testing stage. This is a joint project with the Tucson Police Department.
- **Alternate Work Program (WAP)** - program being developed in coordination with the Department of Neighborhood Resources (DNR). Currently on hold pending a decision regarding liability issues and requirement for insurance.
- **Courtroom Automation Project** - project has advanced to the financial data entry and is nearing implementation into courtroom number four (Judge Pollard).

These programs will provide significant cost savings while greatly improving or enhancing court operations and the services provided to the public.

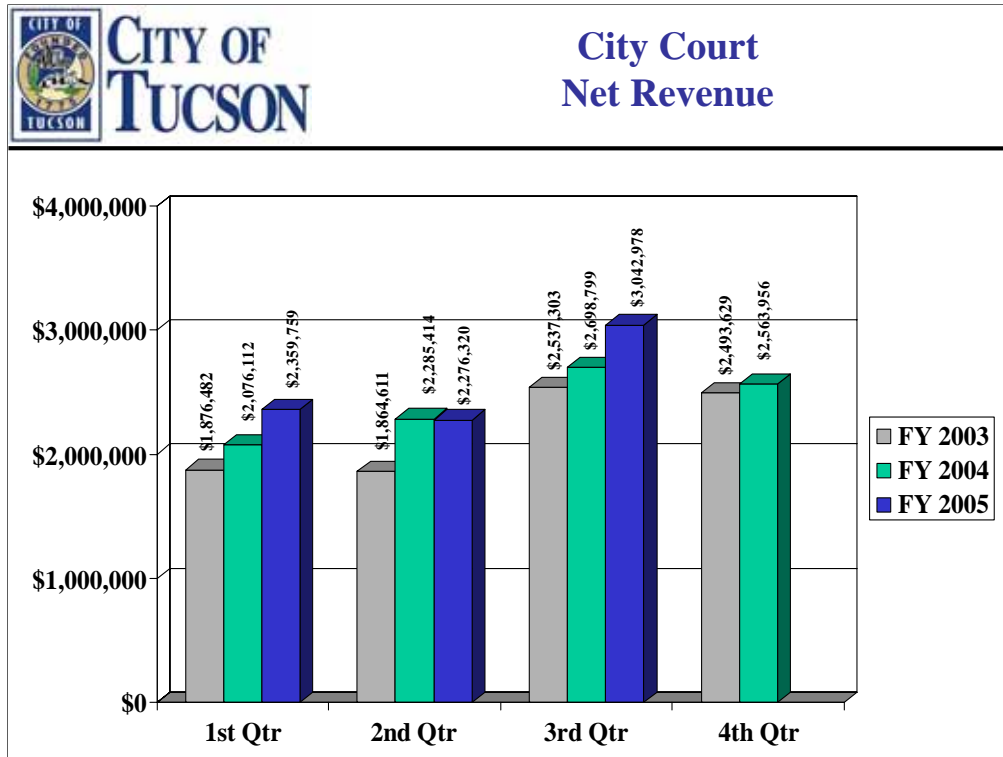
#### **Collections:**

Court revenue is up \$1,168,235 (gross revenue) when comparing fiscal year 2005 and 2004 through the end of the third quarter. When comparing the third quarters of fiscal years 2004 and 2005, there was a increase of \$706,699 (gross revenue) for fiscal year 2005. The Court continues to increase revenue through aggressive enforcement of court ordered sanctions and participation in the Fines Fees and Restitution Enforcement (FARE) program. It should be noted that at some point the Court's ability to increase revenue through collection on older defaulted cases will decline and collections will be dependent upon current caseload.



Tucson City Court noted a significant increase of \$706,699 (13%) in gross revenue for the third quarter fiscal year 2005 as compared to the third quarter of 2004. Overall, the court has continued to realize revenue gains (9.3% gross revenue) when comparing fiscal years 2004 and 2005 year to date. Revenue continues to increase even though the number of charges filed by the Tucson City Police Department have been declining. The continued increase in gross revenue is due to the Court's continued focus on the enforcement of court ordered sanctions, improved efficiencies related to collections, and participation in the Fines Fees and Restitution Enforcement (FARE) program. **It should be noted that at some point the Court's ability to increase revenue through collection on older defaulted cases will decline and collections will be dependent upon current caseload.**

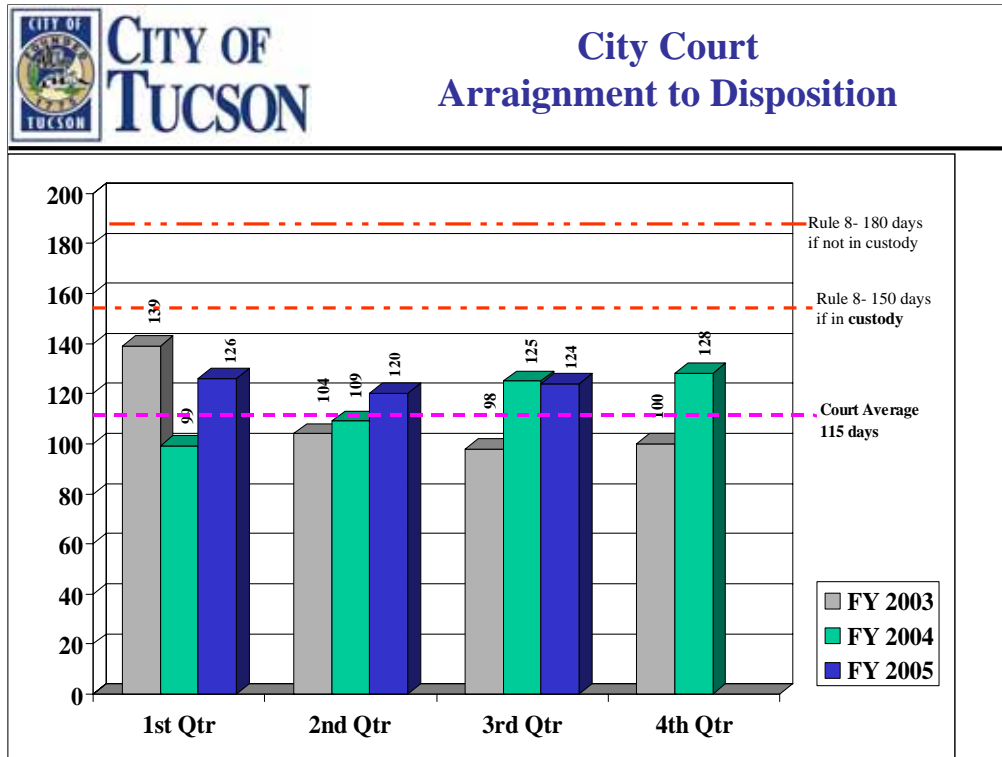
Gross revenue consists of monetary collections received by the court and includes fees, fines and bond revenues. Tucson City Court has shown a consistent increase in gross revenue since 2002.



Tucson City Court noted a significant increase of 244,179 (12.4%) in net revenue for the third quarter fiscal year 2005 as compared to the third quarter of fiscal year 2004. Overall the Court's net revenue continues to increase. Net revenue is up \$665,716 (9.5%) when comparing fiscal years 2004 and 2005 year to date. The increase in net revenue is due to the court's continued focus on enforcement of court ordered sanctions in criminal traffic cases, improved efficiencies related to collections and participation in the Fines Fees and Restitution Enforcement (FARE) program. **It should be noted that at some point the Court's ability to increase revenue through collection on older defaulted cases will decline and collections will be dependent upon current caseload.**

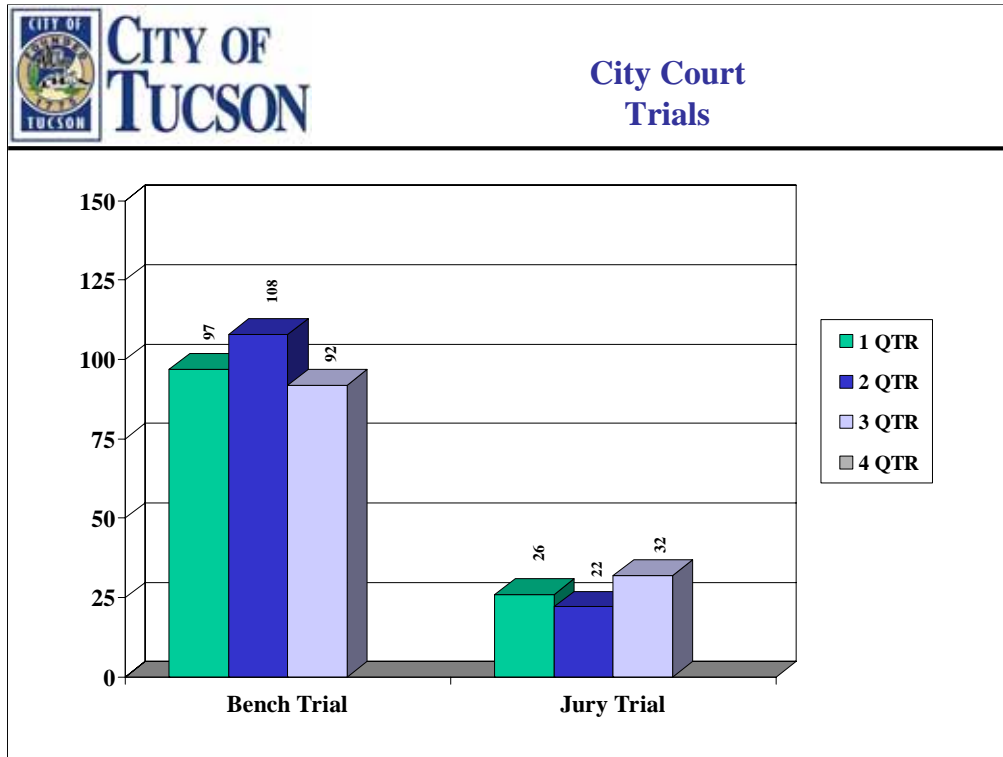
The Traffic Ticket Enforcement Assistance Program (TTEAP) is producing the desired effect as an enforcement/collection tool. TTEAP allows the court to report to the Arizona Motor Vehicle Department defaulted sanctions and Failure(s) to Appear (FTA) in criminal traffic cases. If reported sanctions total more than \$200 or there is an FTA in criminal traffic case(s) from any one or more Arizona courts a defendant will be prevented from renewing his/her vehicle registrations until his/her court ordered obligations are satisfied. Additionally, the Court should experience enhanced collections from the Tax Intercept Program (TIP) in the fourth quarter.

Net revenue consists of the gross revenue less (minus) bond accounts and the fees that are turned over to the state. Tucson City Court has shown a consistent increase in net revenues since 2002.



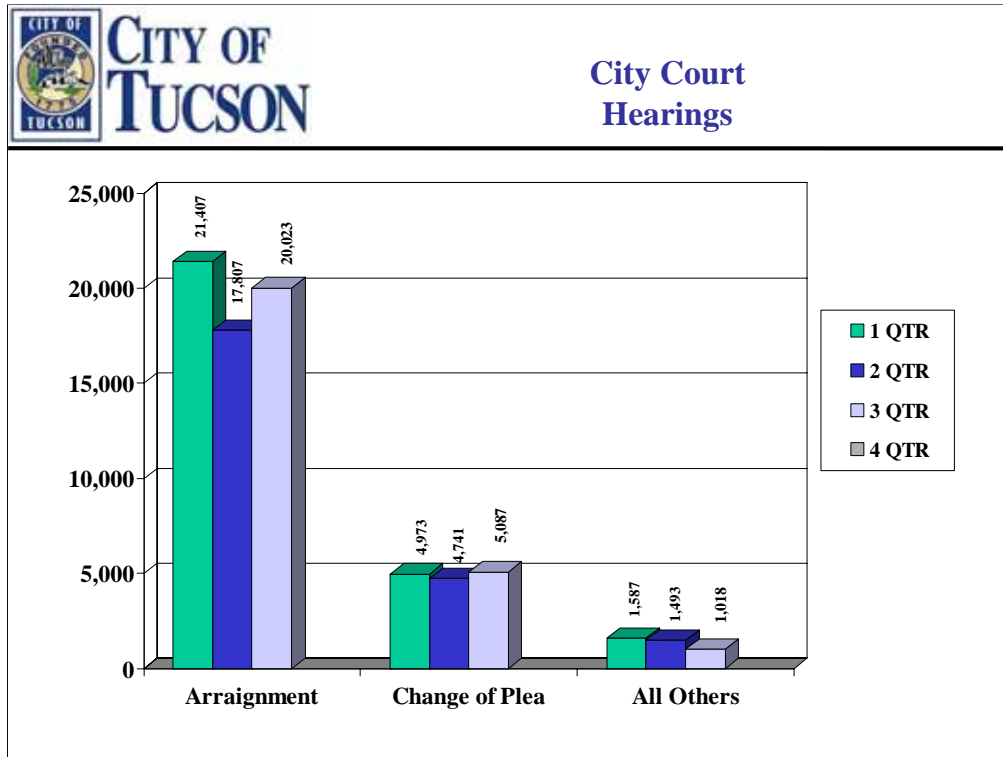
There has been an increase of 4 days in average time for adjudicating cases from the second to third quarter fiscal year 2005. When comparing the third quarters of fiscal years 2004 to 2005 there was a decrease of 1 day in the average time to adjudicate cases. This may be due to the decreasing case load and decreasing number of bench trials.

Rule 8.2, Time Limits, of the Arizona Rules of Criminal Procedure requires the court to try a case within 180 days from arraignment when the defendant is not in custody. That time is reduced to 150 days when the defendant is in custody. Tucson City Court continues to average 115 days from the time of arraignment to the time of disposition (inclusive of all cases from first quarter fiscal year 2002 to date), which is well below either of the statutory time periods. Although the time from arraignment to disposition has been increasing since 2002, this rise is attributable to the switch to an all-assigned calendar and a significant reduction in the use of special magistrates. Please see page 18 for information on the use of special magistrates.



Bench trials decreased by 16 trials or 15% and Jury trials increased by 10 trials or 31% when comparing the second and third quarters of fiscal year 2005. The decrease in bench trials appears to be related to the decreasing number of charges filed during the corresponding time periods. The jury trial increase may be attributed to the issues surrounding *State of Arizona v. Derendal*. In the second quarter some judges delayed jury trials pending a decision by the Arizona Supreme Court as to whether a DUI case is eligible for a jury trial as a result of *State of Arizona v. Derendal*. The *Derendal* case has yet to run the full appeals course and the issue of DUI and jury trials remains unresolved at this time.

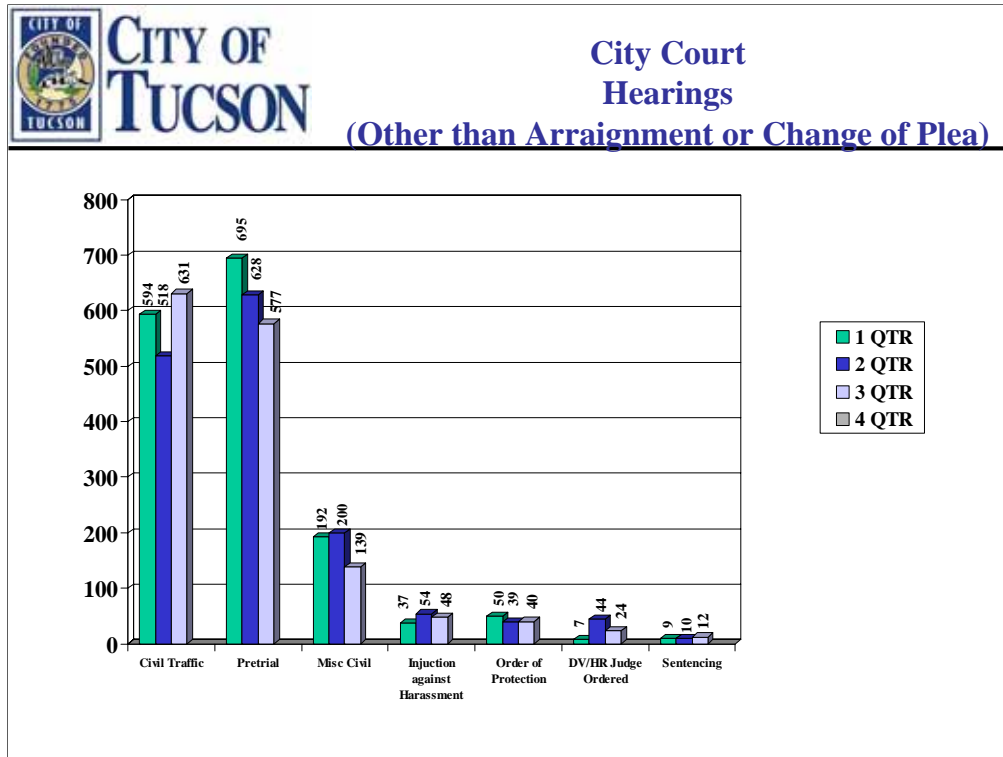
The above slide compares bench and jury trials held in each quarter of the fiscal year. A comparison of fiscal year totals will be provided in the fourth quarter/year end report.



The majority of hearings in Tucson City Court consist of arraignments and change of pleas. Arraignment hearings increased by 2,216 or 11%, Change of Plea hearings increased by 346 or 7% and civil hearings decreased by 475 or 32% when comparing the second and third quarters of fiscal year 2005. The increase in arraignments can be misleading when compared to the number of charges filed. Arraignment hearings represent those defendants who actually appeared for their arraignment, and each defendant may have multiple charges.

It appears that more people are showing up for their arraignment based upon decreasing charges filed but increasing arraignment hearings. The Court would like to attribute this trend to successfully changing the culture in Tucson regarding respect for the Court and orders issued by it. Three years ago people routinely ignored traffic, parking, and other types of charges and many people ignored default notices. We have worked very hard in the last three years to educate and prove to the public that a charge filed in the Tucson City Court needs to be addressed and will not simply be forgotten.

The above slide compares hearings held in each quarter of the fiscal year with a comparison of fiscal year totals in the fourth quarter/year end report.

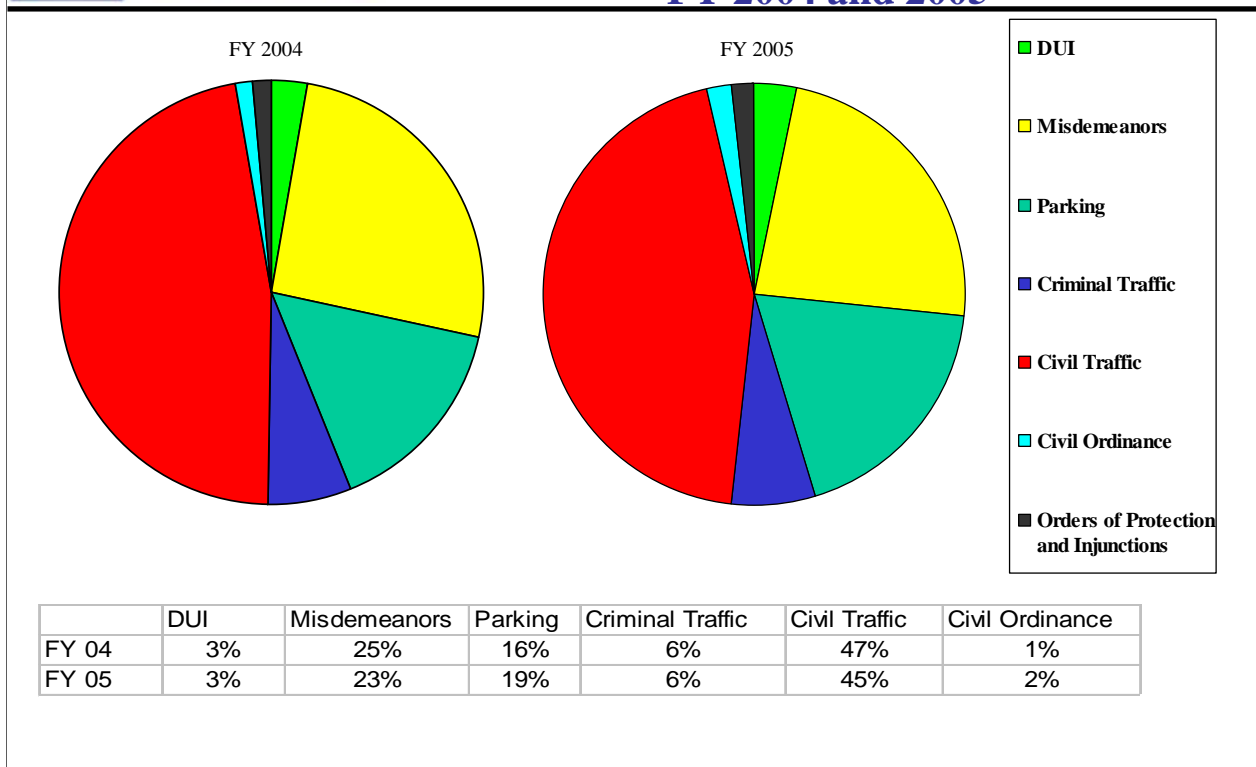


The remaining hearings (other than arraignments or change of pleas) that are held in Tucson City Court fall into the following categories: civil traffic, pretrial, Domestic Violence hearings (judge requested), Civil traffic and pretrial hearings make up the majority of non-arraignment, non-change of plea hearings. The other types of hearings (sentencing, miscellaneous civil, order of protection, injunction against harassment, and judge ordered DV/Injunction Against Harassment) are very low in number.

Civil traffic hearings increased by 113 or 18%, from the second to third quarter. This indicates that more people are challenging the charges on their citation as overall filings of civil traffic changes are down, see page 11.

The above slide compares hearings held in each quarter of the fiscal year with a comparison of fiscal year totals in the fourth quarter/year end report.

## City Court Charges Filed FY 2004 and 2005



Workload within the court is initiated as charges filed which must be adjudicated or disposed of by the defendant pleading responsible/guilty, attending a diversion program, or by pleading not responsible/not guilty and requesting a hearing/trial. This slide indicates workload by case type as a percentage of the total charges filed in the court. The percentage of workload shifted slightly with a 2% decrease in misdemeanors and a 3% increase in parking from last quarter. Workload between fiscal years appears to be fairly constant with no more than a 3% change in any case type.

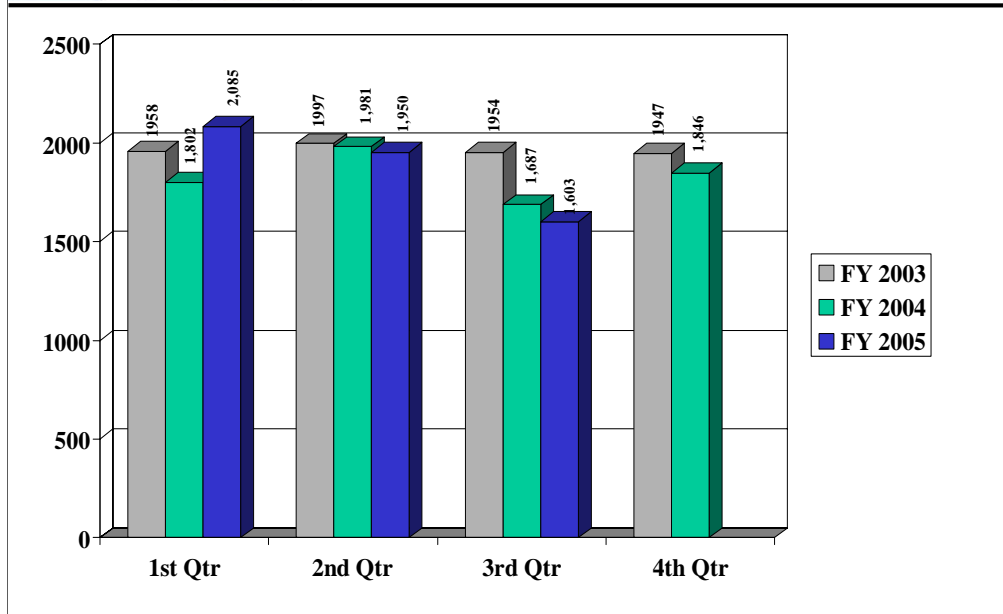
Tracking case type as a percentage of total workload allows the Court to target resources and conduct strategic planning. The above pie charts indicate the change in percentage of case type when comparing fiscal years. However, the pie has been getting smaller each fiscal year as indicated on the following slides representing the number of charges filed in the Court by case type.





## CITY OF TUCSON

### City Court Charges Filed DUI

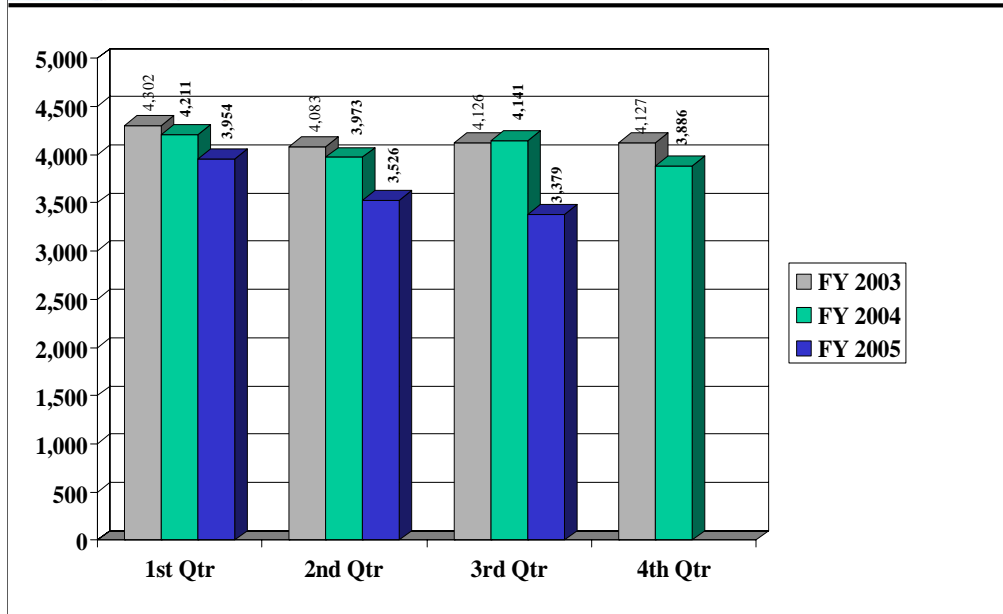


Tucson City Court has experienced a decrease of 347 (18%) DUI charges from the second to third quarter fiscal year 2005. There was a decrease of 84 DUI charges (5%) when comparing the third quarters of fiscal year 2004 and 2005. DUI cases are complex and take a great deal of time to adjudicate (average 136 days).



**CITY OF  
TUCSON**

**City Court  
Charges Filed: Criminal Traffic  
(Non-DUI)**

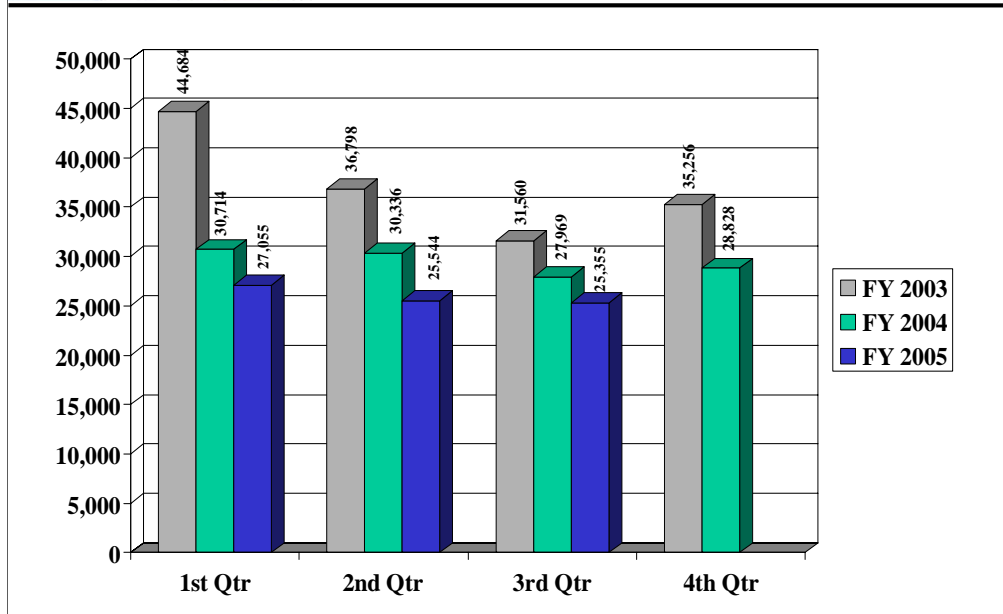


There has been a decrease of 147 (4%) in criminal traffic charges filed from the second to third quarter fiscal year 2005. There is a decrease of 726 (19%) in criminal traffic charges filed when comparing the third quarters of fiscal years 2004 and 2005. The decrease in criminal traffic filings is consistent with the overall decline of charges filed with the City Court by the Tucson Police Department. Criminal traffic offenses include: driving on a suspended license, leaving the scene of an accident, reckless driving, exhibiting signs of acceleration, and speeding in excess of 20 miles over the speed limit.



## CITY OF TUCSON

### City Court Charges Filed: Civil Traffic

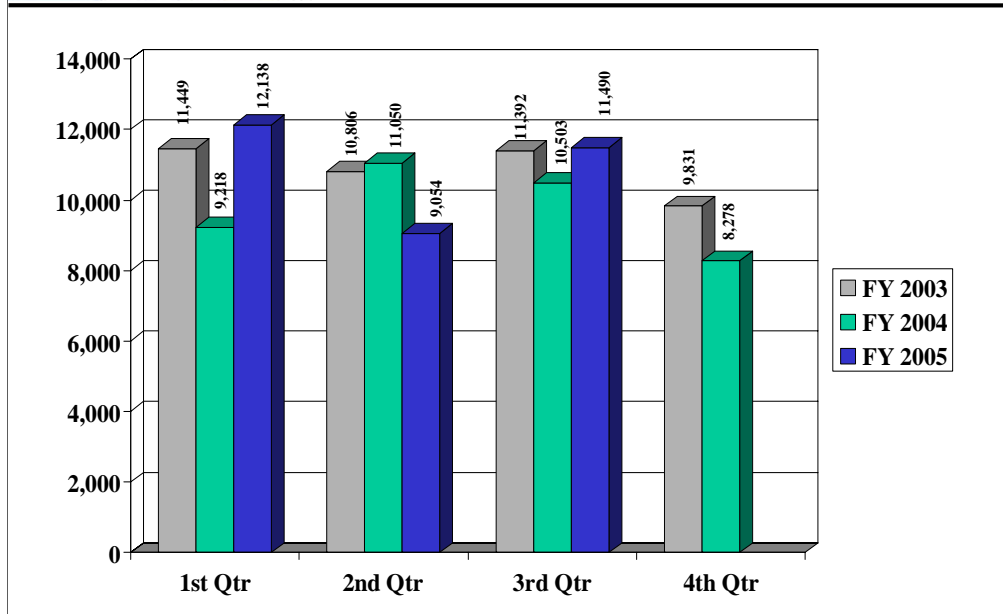


The number of civil traffic charges filed continues to decline. There has been a decrease of 189 (1%) in the number of civil traffic charges filed from the second to third quarter fiscal year 2005. There was a decrease of 2,614 (10%) in the number of civil traffic charges filed when comparing the third quarters of fiscal years 2004 and 2005. When comparing the first three quarters of fiscal years 2004 and 2005 there has been a decrease of 11,065 charges or a 12.5% decrease.

The number of civil traffic cases filed by the Tucson City Police has steadily declined from 2002 to 2004 and the trend appears to be continuing in fiscal year 2005. In 2002 a total of 159,440 civil traffic charges were filed as compared to 117,847 during fiscal year 2004, a 26% decrease.



## City Court Charges Filed: Parking

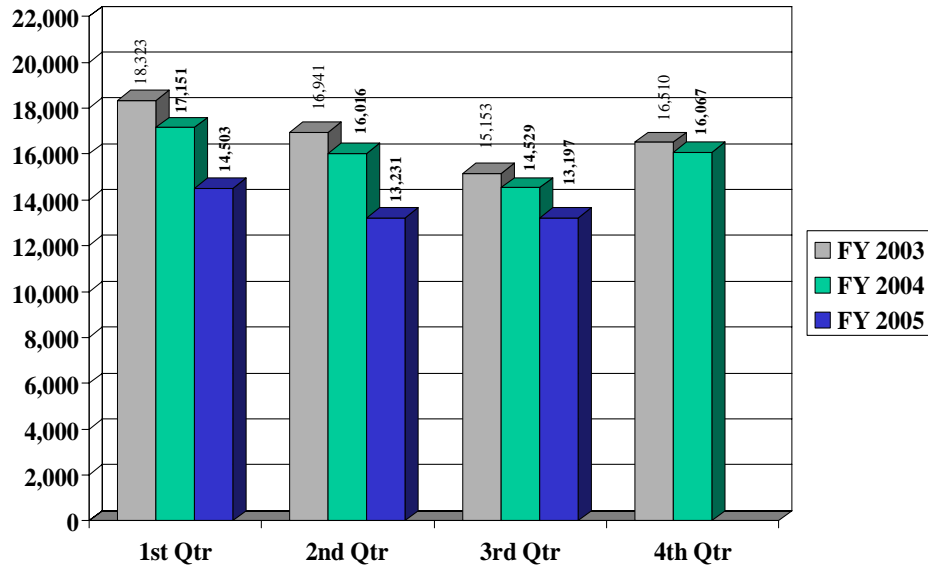


There was a significant increase in the number of parking charges filed in the third quarter fiscal year 2005. Parking charges filed increased by 2,436 (21%) from the second to third quarter fiscal year 2005. There was a decrease of 987 (9%) in the number of parking charges filed when comparing the third quarters of fiscal years 2004 and 2005.

While the number of parking cases filed increased from 2002 to 2003, the number declined from 2003 to 2004. In 2002 the number of parking charges filed was 39,251. In 2003 the number of parking charges filed was 43,478 which declined to 39,138 in 2004, a 11% decrease.



City Court  
Charges Filed: Criminal Misdemeanor

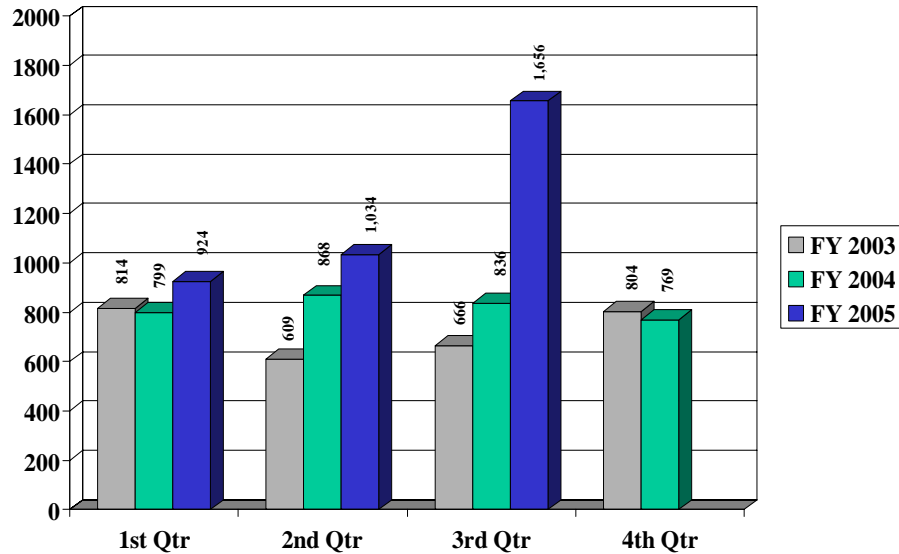


The number of criminal misdemeanor charges filed continues to decline. There has been a decrease of 34 (.03%) in the number of criminal misdemeanor charges filed from the second to third quarter fiscal year 2005. There was a decrease of 1,332 (9%) in the number of criminal misdemeanor charges filed when comparing the third quarters of fiscal years 2004 and 2005. Criminal misdemeanors are offenses that include assault, disorderly conduct, shoplifting and prostitution.

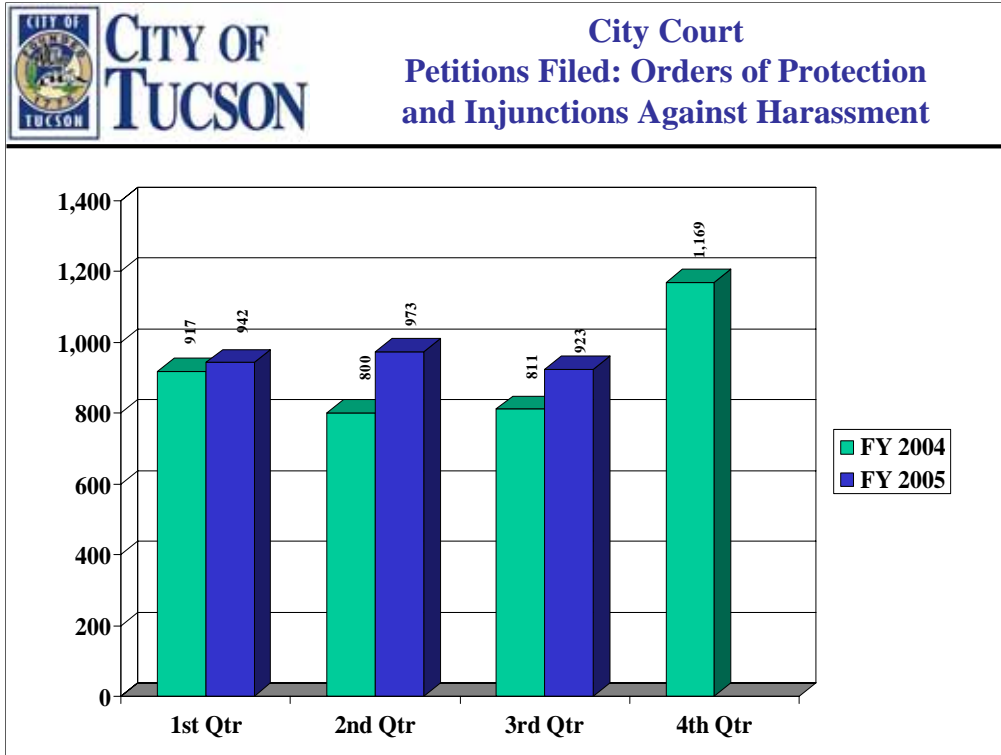


# CITY OF TUCSON

## City Court Charges Filed: Civil Ordinance

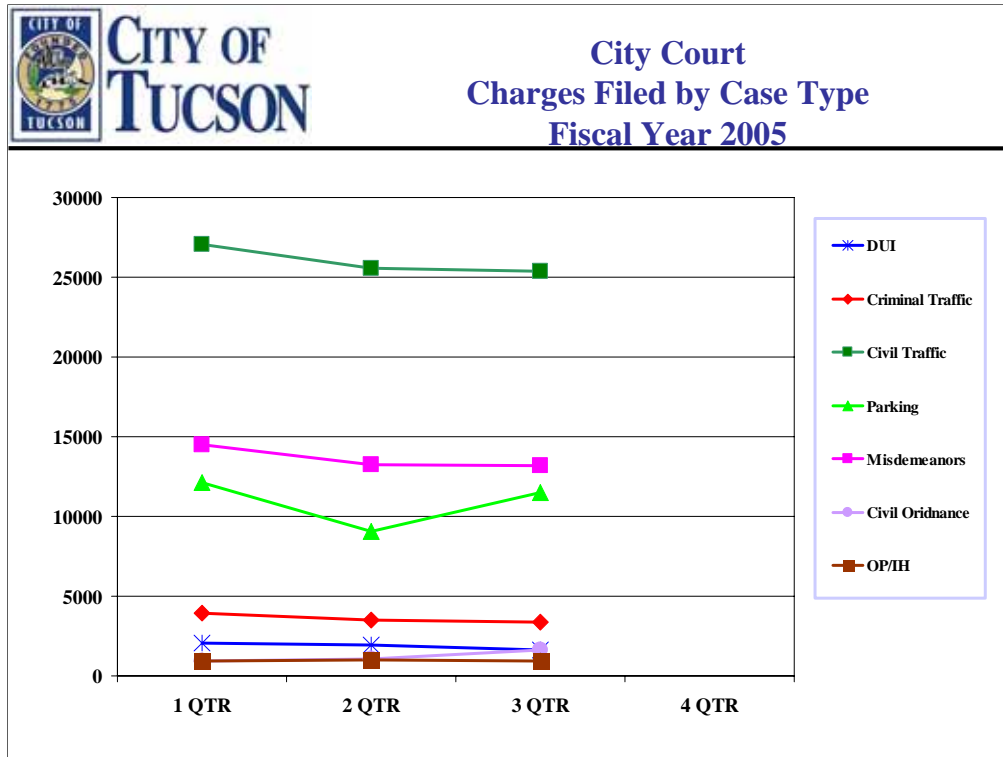


There appears to be a trend indicating that civil ordinance charges filed are increasing overall within the City. There has been an increase of 622 (38%) in the number of civil ordinance charges filed from the second to third quarter fiscal year 2005. There was a increase 820 (50%) in the number of civil ordinance charges filed when comparing the third quarters of fiscal years 2004 and 2005. Civil ordinances include noise, junk motor vehicles, skateboarding, graffiti, false alarms etc.



The number of domestic violence and harassment petitions filed in Tucson City Court has decreased by 50 (5%) when comparing the second and third quarters fiscal year 2005. There was an increase of 112 (12%) in the number of domestic violence and harassment petitions filed when comparing the third quarters of fiscal years 2004 and 2005.

The Court's filings for petitions in the domestic violence area (Orders of Protections and Injunctions Against Harassment) had been decreasing for most of 2004 as a result of a change to the Memorandum of Understanding (MOU) between the three courts (Superior, Justice and City) located in downtown Tucson. This MOU change reduced reliance on the Tucson City Court as the court of choice for obtaining Orders of Protections and Injunctions Against Harassment and has resulted in a significant reduction of petition filings at the Tucson City Court.

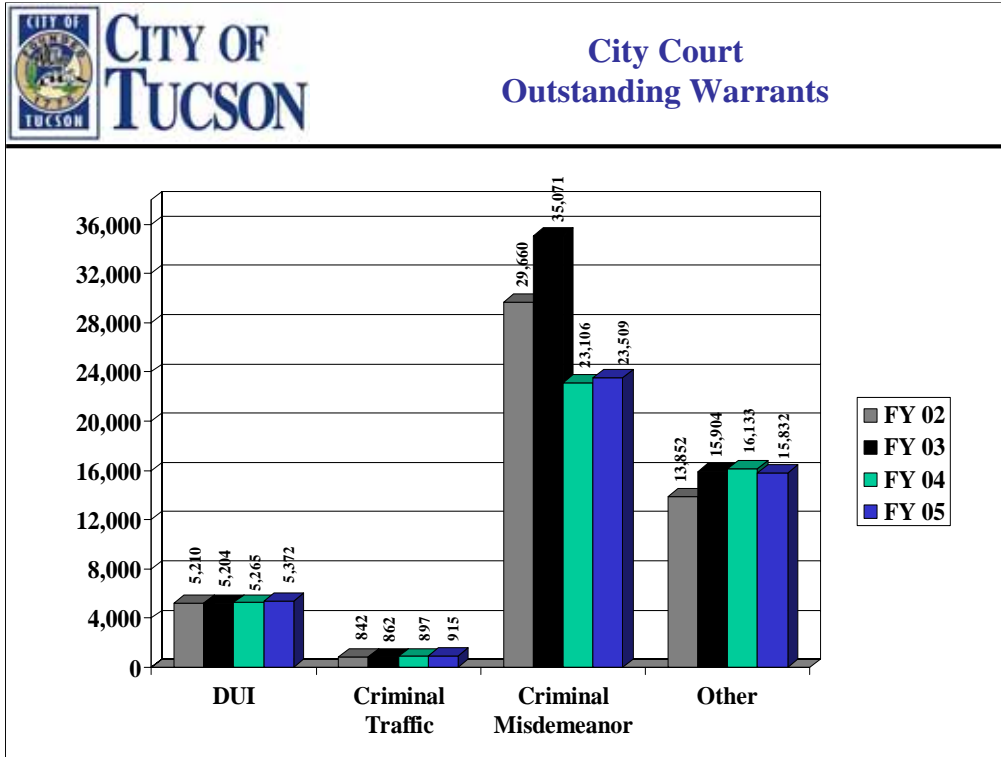


	1 QTR	2 QTR	3 QTR	4 QTR
DUI	2,085	1,950	1,603	
Criminal Traffic	3,954	3,526	3,379	
Civil Traffic	27,055	25,544	25,355	
Parking	12,138	9,054	11,490	
Misdemeanors	14,503	13,231	13,197	
Civil Ordinance	924	1,034	1,656	
OP/IH	942	973	923	

This is a new slide and indicates the number of charges filed by case type for each quarter of the current fiscal year, 2005. It consolidates information previously contained on six separate slides which depicted charges filed by case type for each quarter of three fiscal years, 2003, 2004, and 2005. A role up of information comparing charges filed by case type across three fiscal years will be included in the fiscal year end report.

The lines for civil ordinance charges and orders of protection/injunctions against harassment overlap each other as the number of charges filed is within 60 charges.

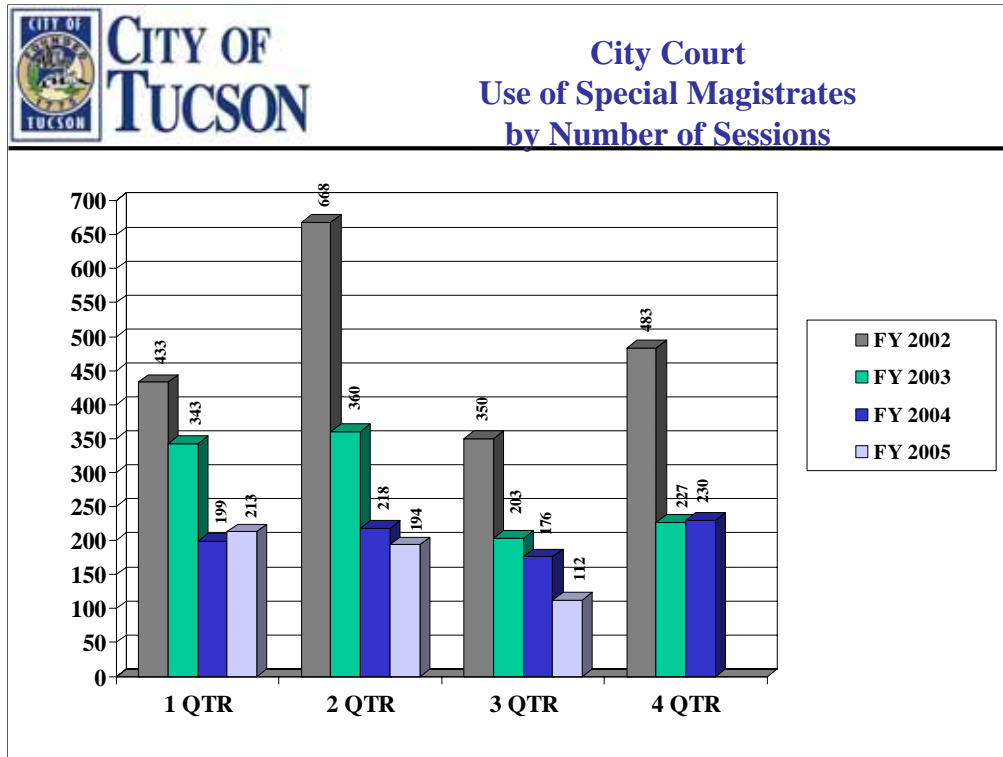




### No Change in Data

This slide depicts the number of outstanding (active) warrants for the court in total at any given time as a snapshot by fiscal year. When comparing fiscal year 2004 with 2005:

- The number of outstanding warrants for DUI has increased by 107 or 2%.
- Outstanding warrants for criminal traffic rose by 18 or 2%.
- Criminal misdemeanor outstanding warrants increased by 403 or 2%.
- Other warrants actually decreased by 301 or 2%.



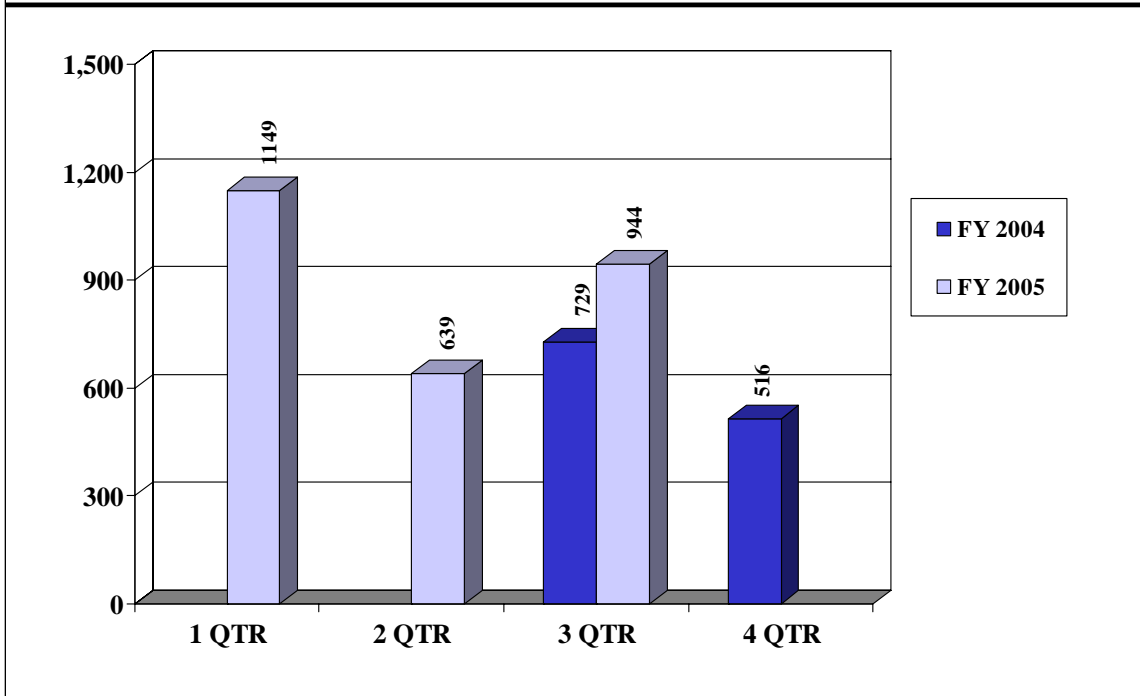
Tucson City Court continues its effort to utilize special magistrates in an efficient and effective manner. As indicated in the above graph the Court continues a downward trend in the use of special magistrates which appears to be stabilizing around the need for 200 sessions or 100 court days per quarter. This equates to approximately 1.5 judicial full time equivalents and includes the sessions for the special magistrate assigned to Sentence Enforcement Court. The court is authorized 2.3 judicial full time equivalents for special magistrates.

The Court now uses an all-assigned calendar where each defendant is assigned to a particular judge at the time of arraignment. Magistrates are required to clear their calendars before taking vacation and are not to rely on special magistrates to cover their caseload. Each case is assigned to one magistrate and prosecutor which provides an incentive to better manage the caseload without relying upon the use of special magistrates.



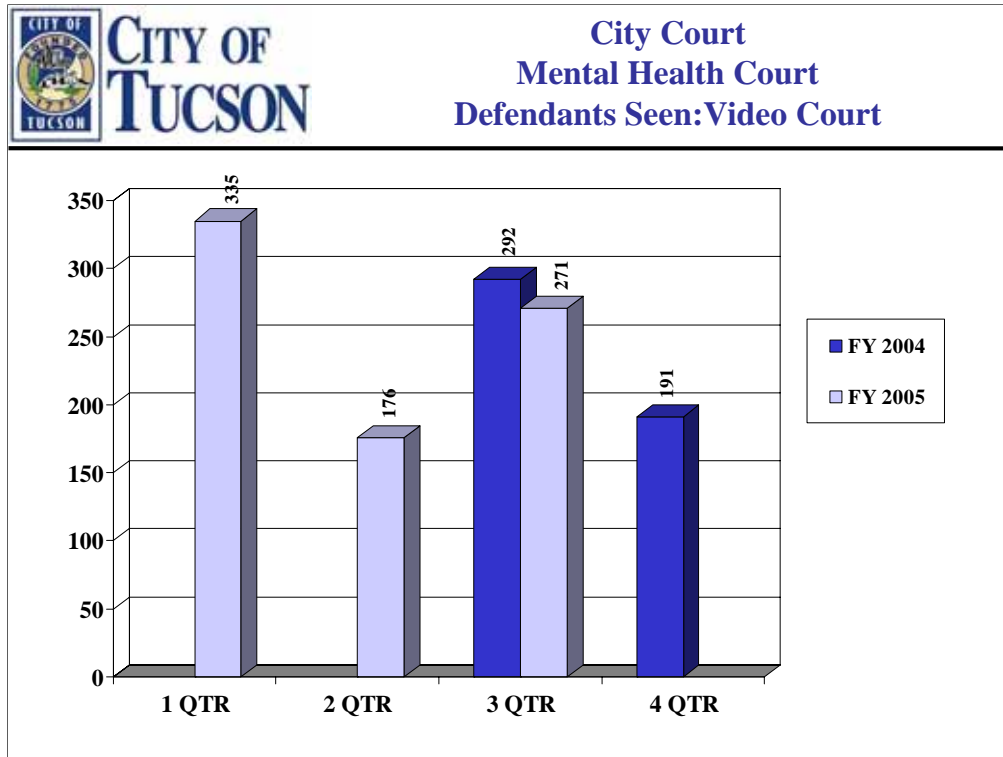
## CITY OF TUCSON

### City Court Mental Health Court Total Cases Processed



There was an increase of 305 cases (33%) heard in the Mental Health Court between the second and third quarters of fiscal year 2005. This increase can be attributed to all cases involving mental health issue being routed to the mental health court.

This slide indicates the number of case files (cases) processed in the Mental Health Court at Tucson City Court. Defendants seen in Mental Health Court usually have multiple court cases pending. City Court makes every effort to consolidate pending court cases and resolve them all through the Mental Health Court. The Community Partnership of Southern Arizona (CPSA) works in conjunction with Mental Health Court to ensure that defendants are referred to the appropriate resources to address their mental illnesses. The efforts of the Mental Health Court result in defendants being routed to treatment rather than jail and have significantly reduced incarceration costs that would have otherwise been incurred by the City. If pending cases were not consolidated in Mental health Court they would remain distributed in the court's pending cases assigned to any number of magistrates.



This slide indicates the number of defendants seen in the Mental Health video court. There was an increase of 95 (36%) in the number of defendants seen from the second to third quarters fiscal year 2005. This increase can be attributed to all cases involving mental health issue being routed to the mental health court.

Defendants seen in video court are in custody but are not transported to the court. This produces significant time/cost savings for the court related to the marshals not having to perform transport duties. Transporting mental health court defendants to the Tucson City Court could easily overwhelm the Tucson Police Department's prisoner transport capability.